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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CITY OF RICHMOND,
 Plaintiffs
 v.
 DONALD J. TRUMP, et al.,
 Defendants.

Case No. 17-cv-01535-WHO
 The Honorable William H. Orrick
**BRIEF OF AMICUS CURIAE ANTI-
 DEFAMATION LEAGUE IN SUPPORT
 OF PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION**
 Date: May 10, 2017
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1 **I. INTRODUCTION**

2 Despite its title, President Donald J. Trump’s executive order on “sanctuary
3 jurisdictions,” “Enhancing Public Safety in the Interior of the United States” (Exec. Order
4 13,768, 82 Fed. Reg. 8799 (Jan. 25, 2017) (the “Order”)), has the exact opposite effect. By
5 coercing local law enforcement to carry out federal immigration laws, the Order undermines the
6 critical trust and cooperation between law enforcement officials and immigrant and minority
7 communities. This trust is crucial to overall public safety, and central to the success of
8 community policing efforts. As this Court already has recognized, the Order is currently
9 causing irreparable harm to communities that have enacted “sanctuary” policies. Consistent with
10 this Court’s April 25, 2017 order in the related cases (*City and County of San Francisco v.*
11 *Donald J. Trump et al.*, Case No. 17-00485 and *City of Santa Clara v. Donald J. Trump, et al.*,
12 Case No. 17-00574 (“*Santa Clara v. Trump*”)) enjoining the enforcement of Section 9(a) of the
13 Order nationwide, and for the additional reasons stated below, this Court should similarly grant
14 Plaintiff City of Richmond’s Motion for Preliminary Injunction.

15 The Anti-Defamation League’s (“ADL”) long-standing history of advocating for and
16 training law enforcement on the implementation of hate crime laws and counter-terrorism efforts
17 makes it uniquely situated to understand the importance of community cooperation in effective
18 policing efforts. (Motion for Leave to File Brief of *Amicus Curiae* Anti-Defamation League in
19 Support of Plaintiffs’ Motion for Preliminary Injunction, concurrently filed, at 1-2.) ADL works
20 closely with federal, state, and local law enforcement agencies on issues involving extremist and
21 hate groups in the United States, and it trains more than 14,000 law enforcement officers
22 annually on hate crimes, bias, extremism, and terrorism. *Id.* In the ADL’s experience, law
23 enforcement’s ability to build and sustain trust with minority communities is critical, particularly
24 where socioeconomic conditions – including immigration issues – can lead to a fear of engaging
25 with law enforcement, thus rendering some of America’s most vulnerable populations
26 susceptible to criminal attacks and especially hate crime.

27 Like many jurisdictions around the country, the City of Richmond (“Richmond”) has
28 enacted various community policing policies in order to ensure that an individual’s citizenship

1 status and any potential immigration issues do not interfere with that individual’s ability to avail
2 herself of local law enforcement’s protection and assistance. In addition to conserving limited
3 resources, these policies are designed to *assist* local law enforcement – *i.e.*, to encourage
4 community members to come forward to report crimes to local police without the fear that their
5 immigration or citizenship status will subject them to legal action themselves. By threatening to
6 eliminate all federal funding to jurisdictions that may be deemed “sanctuary jurisdictions,” the
7 Order seeks to force Richmond and jurisdictions across the country to choose between
8 compliance with the Order’s terms, or the immediate elimination of other critical public safety
9 programs because federal funding will be cut for non-compliant jurisdictions. No city should be
10 forced to make that choice.

11 As Richmond officials and law enforcement leaders around the nation have attested, there
12 is a demonstrable risk that – without the injunction of the Order – undocumented immigrants and
13 other non-citizens are being dissuaded from aiding local enforcement efforts, including efforts to
14 combat terrorism and hate crime. Because of the Order, both undocumented and documented
15 immigrants justifiably fear that the police will report their immigration information – or that of a
16 family member or friend – to Immigration and Customs Enforcement (“ICE”), thereby resulting
17 in detention and/or deportation. As a consequence, many individuals are avoiding contact with
18 law enforcement, causing immediate irreparable harm to Richmond and communities across the
19 country.

20 In the experience of the ADL and numerous law enforcement agencies that already have
21 spoken out, this break-down of trust and cooperation between police and minority communities
22 invariably leads to an increase in crime – including hate crime – rather than “enhanced public
23 safety.” Accordingly, ADL submits this *amicus* brief in support of Richmond’s Motion for
24 Preliminary Injunction. (ECF No. 12). Only an injunction of the Order can prevent the
25 immediate and irreparable harm that will otherwise ensue because the Order undermines trust
26 and cooperation between immigrant communities and law enforcement. *See Winter v. Nat. Res.*
27 *Def. Council, Inc.*, 129 S. Ct. 365, 376 (2008).

28

1 **II. ARGUMENT**

2 **A. A Primary Purpose of Richmond’s “Sanctuary” Policies Is to Foster**
3 **Community Policing and Enhance Public Safety.**

4 The Order explicitly threatens to eliminate all forms of federal funding to so-called
5 “sanctuary jurisdictions.” Like numerous other communities in California, Richmond has been
6 referred to as a “sanctuary city” and will likely be deemed a “sanctuary” jurisdiction pursuant to
7 the Order because of its policies that limit local law enforcement’s involvement in the
8 implementation of federal immigration law in order to foster community policing efforts.

9 For example, Richmond City Counsel Ordinance No. 29-90 was enacted directly in
10 response to immigrant concerns that they would be deported if they reported crimes or provided
11 assistance to law enforcement. Specifically, this ordinance was enacted “[i]n order to address the
12 fears expressed by the immigrant and refugee community in the City of Richmond . . . while
13 preserving the ability of the Richmond Police Department to utilize all available resources to
14 fight criminal activity.” Complaint, ECF 1, Ex. 2 at 1. Richmond reaffirmed its commitment in
15 City Counsel Ordinance No. 11-07, which aims to “foster an atmosphere of trust and cooperation
16 between the Richmond Police Department and all residents of the city of Richmond.”
17 Complaint, Ex. 3 at 1.¹

18 Thus the express goal of these “sanctuary” policies is to foster cooperation and
19 communication between law enforcement and the public. That cooperation and open
20 communication is a cornerstone of “community policing,” which is based on forging
21 partnerships between law enforcement and community members and groups. The U.S.
22 Department of Justice itself has affirmed that the value of community policing efforts depends in
23 the first instance on establishing trust between the community and law enforcement: “One
24 fundamental purpose of partnerships is to increase trust between law enforcement agencies and
25 the customers they serve. . . . Citizens who do not trust the police are less likely to report crime
26

27 ¹ Richmond affirms that these policies are in compliance with all state, federal and
28 constitutional requirements. City of Richmond’s Motion for Preliminary Injunction at 7.
However, due to the vague nature of the Order, there is a risk that Richmond will be labeled as a
“sanctuary jurisdiction” and subject to the penalties in Section 9(a) of the Order.

1 and participate in developing solutions to problems. . . . Community policing encourages
 2 agencies to build up accounts of trust and goodwill to call on when the inevitable crisis arises.”²
 3 A critical element of developing this trust is creating an environment in which both victims and
 4 witnesses are willing to come forward and actively participate in criminal investigations.
 5 Richmond’s “sanctuary” policies are designed to do just that, *i.e.*, to encourage community
 6 members – regardless of their immigration or citizenship status – to contact and cooperate with
 7 local police without fear of deportation or other immigration consequences. (Declaration of
 8 Allwyn Brown in Support of Motion for Preliminary Injunction (“Brown Decl.”), ECF No. 12-1,
 9 ¶¶ 4-6; Complaint, Ex. 2 at 1). Public safety in Richmond (and elsewhere) depends on *all*
 10 community members having this trust.

11 **B. The Order Undermines Law Enforcement and Threatens Public Safety.**

12 1. **The Order Suppresses the Reporting of Crimes and Compromises**
 13 **Community Safety.**

14 By coercing local law enforcement agencies to enforce federal immigration law, the
 15 Order drives a wedge between police officers and the residents they protect. Although the Order
 16 is vague, it appears to coerce state and local governments to carry out ICE civil detainer requests,
 17 and to prohibit state and local governments from restricting the release of information regarding
 18 an individual’s immigration status. Order § 9(a), 9(b). Immigrants and members of
 19 communities with large immigrant populations reasonably fear that their interaction with law
 20 enforcement will lead to unwanted interaction with ICE. As a result, absent an injunction,
 21 individuals who are undocumented, along with their families, will be unwilling to report crimes
 22 and to assist in police investigations out of fear that contact with local police will lead to their
 23 deportation. Nor will these effects be limited to those that are undocumented: U.S. citizens and
 24 lawful residents who live among immigrant communities and/or belong to ethnic groups that
 25 include many immigrants similarly will hesitate to report crimes or assist in the investigation of

26 _____
 27 ² Matthew Scheider, *Community Policing Nugget*, COMMUNITY ORIENTED POLICING
 28 SERVS., U.S. DEP’T OF JUSTICE, https://cops.usdoj.gov/html/dispatch/february_2008/nugget.html
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1 crimes absent an injunction. Instead, they will fear mistakenly being treated as undocumented
 2 and/or the consequences of drawing additional law enforcement attention to their friends and
 3 neighbors.³

4 Research has confirmed that the fear of retribution following interaction with law
 5 enforcement has serious practical implications for community safety. Empirical data and
 6 analysis show that undocumented immigrants are significantly less likely to report a crime
 7 committed against them.⁴ Under the Order, this natural reluctance is now being compounded
 8 exponentially by a federal requirement that local law enforcement effectively act as immigration
 9 agents. In fact, crime reporting in the Latino community as a whole has decreased since last
 10 year. For example, in Texas, rape reports by Latinos are down by 42.8 percent from last year.⁵
 11 In Los Angeles, there has been a 25 percent decline in reports of rape among Latinos compared
 12 to last year.⁶ This decline in reports of sexual assault, in particular, has led to increased
 13 difficulty in investigating and prosecuting domestic violence.⁷

15 ³ Fears of being treated as undocumented are well-founded. At times, ICE civil detainer
 16 requests have been directed towards U.S. Citizens. *See Mendia v. Garcia*, 768 F.3d 1009, 1010
 17 (9th Cir. 2014) (U.S. citizen spent two years in pre-trial detention as a result of the detainer);
 18 *Galarza v. Szalczyk*, 745 F.3d 634, 636-38 (3d Cir. 2014) (U.S. citizen held in jail for three days
 19 pursuant to erroneous detainer); *Davila v. N. Reg'l Joint Police Bd.*, 979 F. Supp. 2d 612, 622-23
 20 (W.D. Pa. 2013), *vacated in part on reconsideration*, No. 13-00070, 2014 WL 3735631 (W.D.
 21 Pa. July 28, 2014) (U.S. citizen held in jail overnight pursuant to erroneous detainer); Eyder
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23 ⁴ *See, e.g.,* Sefano Camino, Giovanni Mastrobuoni, & Antonio Nicolo, *Silence of the*
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25 ⁵ Carolina Moreno, *Houston Police Announce Decrease in Latinos Reporting Rape,*
 26 *Violent Crimes* (Apr. 10, 2017) [http://www.huffingtonpost.com/entry/houston-police-announces-](http://www.huffingtonpost.com/entry/houston-police-announces-decrease-in-latinos-reporting-rape-violent-crimes_us_58ebd5fae4b0df7e204455f4)
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27 ⁶ *Id.*

28 ⁷ Jennifer Medina, *Too Scared to Report Sexual Abuse. The Fear: Deportation*, N.Y.
 TIMES (Apr. 30, 2017) [https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-](https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html)
 abuse.html.

1 The overall effect is not a reduction in crime, but rather an increase in crime because the
 2 necessary trust and cooperation between the police and local communities is reduced. For
 3 example, one study completed earlier this year compared counties with a “sanctuary” policy –
 4 *i.e.*, counties that do not assist federal immigration enforcement officials by holding people in
 5 custody beyond their release date – with non-sanctuary counties that were similar on a broad
 6 range of demographic characteristics. The study concluded that “[t]here are, on average, 35.5
 7 fewer crimes committed per 10,000 people in sanctuary counties compared to nonsanctuary
 8 counties.”⁸

9 Recognizing this fact, the federal government itself previously acknowledged the
 10 importance of encouraging undocumented victims to report criminal activity and cooperate in the
 11 prosecution of crimes. For example, 8 C.F.R. § 245.24 provides an incentive for undocumented
 12 immigrants who are victims of certain enumerated crimes to report those crimes, and thereby
 13 become eligible to apply for lawful immigration status. The United States Citizenship and
 14 Immigration Services has said that the purpose of this provision is to “strengthen the ability of
 15 law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault,
 16 trafficking of aliens and other crimes, while also protecting victims of crimes.”⁹ This is an open
 17 acknowledgement by the federal government that the participation of immigrant communities in
 18 law enforcement practices is essential to public safety.¹⁰

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 20
 21
 22 ⁸ Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, CTR. FOR
 23 AM. PROGRESS (Jan. 26, 2017), [https://www.americanprogress.org/issues/immigration/
 reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy](https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy).

24 ⁹ USCIS, *Victims of Criminal Activity: U Nonimmigrant Status*, [https://www.uscis.gov
 /humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-
 nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status](https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status) (last visited May 3, 2017).

25 ¹⁰ 8 C.F.R. § 245.24. U.S. Citizenship and Immigration Services is reporting a backlog of
 26 over 150,000 pending applications. See USCIS, *Number of I-918 Petitions for U Nonimmigrant
 27 Status (Victims of Certain Criminal Activities and Family Members) by Fiscal Year, Quarter,
 28 and Case Status 2009-2016*, [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigrat
 ion%20Forms%20Data/Victims/I918u_visastatistics_fy2016_qtr4.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2016_qtr4.pdf) (last visited May 3, 2017).

1 2. **Law Enforcement Agencies Have Confirmed That the Order**
 2 **Endangers Public Safety.**

3 The Order reduces the reporting of crimes and the safety of Richmond residents. As
 4 Richmond's Chief of Police has confirmed, the willingness of community members to report
 5 crimes and serve as witnesses is essential to effective law enforcement. (Brown Decl. ¶¶ 4, 8.)
 6 The Order directly impedes the ability of law enforcement to prevent and investigate crimes in
 7 Richmond because it limits the cooperation they receive from a large section of residents. (*Id.*)
 8 Absent an injunction, the resulting negative impact on public safety will not be limited to
 9 already-underserved immigrant communities but *all* communities in Richmond and across the
 10 nation, and will compromise the police's ability to investigate and prosecute crime.

11 These conclusions of Richmond law enforcement officers are echoed by the broader law
 12 enforcement community. The Police Foundation, the International Association of Chiefs of
 13 Police, the Major Cities Chiefs Association, and the Law Enforcement Immigration Task Force
 14 all have expressed grave concern that deputizing local law enforcement officers to implement
 15 immigration law undermines the immigrant community's trust in and cooperation with local law
 16 enforcement.¹¹ The Major Cities Chiefs Association wrote in a statement:

17 Cities that aim to build trusting and supportive relations with
 18 immigrant communities should not be punished because this is
 19 *essential to reducing crime and helping victims*, both stated goals
 20 of the new Administration in Washington. We must be able to
 21 continue to protect the safety of all of our residents while ensuring
 22 that local law enforcement is focused on community policing. . . .
 23 Local police departments work hard to build and preserve trust
 24 with all of the communities they serve, including immigrant
 25 communities. Immigrants residing in our cities must be able to
 26 trust the police and all of city government.¹²

24 ¹¹ See, e.g., Tom Jackson, *Police chiefs' immigration task force outlines opposition to*
 25 *Trump policy*, WASH. POST (Mar. 1, 2017), https://www.washingtonpost.com/news/true-crime/wp/2017/03/01/police-chiefs-immigration-task-force-outlines-opposition-to-trump-policy/?utm_term=.4a1b2456fec8.

27 ¹² U.S. Conf. of Mayors & Major Cities Chiefs Ass'n, Joint Statement Regarding President
 28 Trump's Executive Order, *Enhancing Public Safety in the Interior of the United States*,
https://www.majorcitieschiefs.com/pdf/news/mcca_mayors_pr_on_eo_12517.pdf (last visited
 May 3, 2017) (emphasis added).

1 Similarly, many local law enforcement leaders in different states have spoken out against
2 the Order and specifically have cited its detrimental effect on crime reporting:

- 3 • Lake County, Illinois Sheriff Mark Curran: “Community policing is based on
4 having relationships with people that live in those minority communities.”¹³
- 5 • Marshalltown, Iowa Police Chief Mike Tupper: “This [Order] is not going to help
6 us build the relationships in our community that most people expect us to have.”¹⁴
- 7 • Chelsea, Massachusetts Police Chief Brian Kyes: “These individuals can be
8 targeted for committing crimes and we want these people to trust the police to
9 report crimes. If they’re in fear that we’re gonna enforce locally, civil federal
10 immigration law, we won’t have that trust.”¹⁵
- 11 • Tulsa, Oklahoma Police Chief Chuck Jordan: “I don’t want anyone to be a crime
12 victim in this city and be afraid to call the police.”¹⁶

13 Absent an injunction, the harms that will occur from the breakdown of community
14 policing will be immediate and irreparable. Once local police effectively become federal
15 immigration agents, it will be difficult – if not impossible – for them to rebuild the bonds of trust
16 and cooperation with immigrant communities.

17 3. The Order Hinders Counter-Terrorism Efforts.

18 In addition to hindering local police and law enforcement activities, the Order
19 immediately and irreparably harms national counter-terrorism efforts. Engagement with the
20 community is essential for effective homeland security. Since September 11th, law enforcement
21 agencies actively have sought to develop relationships with Arab, Middle Eastern, Muslim and

22 _____
23 ¹³ Magen Wetmore, *Law Enforcement Leaders Condemn ‘Sanctuary Cities’ Executive
24 Order*, NAT’L IMMIGRATION FORUM (Jan. 26, 2017), <http://immigrationforum.org/blog/law-enforcement-leaders-condemn-sanctuary-cities-executive-order>.

25 ¹⁴ *Id.*

26 ¹⁵ Kathleen McNerney, *Chelsea Fights Trump’s Executive Order On Sanctuary Cities*,
RADIO BOSTON (Feb. 16, 2017), [http://www.wbur.org/radioboston/2017/02/16/
chelsea-sanctuary-lawsuit](http://www.wbur.org/radioboston/2017/02/16/chelsea-sanctuary-lawsuit).

27 ¹⁶ Dylan Goforth & Kevin Canfield, *Mayor, Police Chief Reiterate Stances in Wake of
28 President’s Executive Order on Immigration*, THE FRONTIER (Jan. 27, 2017),
<https://www.readfrontier.org/stories/mayor-police-chief-reiterate/>.

1 South Asian (AMEMSA) communities, which have been both targets in need of protection and
 2 potential sources of information. These partnerships are analogous to community policing
 3 efforts and have led to numerous terrorism prosecutions.¹⁷ Tips from Muslim-Americans have
 4 helped thwart 27% of 126 known potential domestic terrorist attacks since 2001.¹⁸ For example,
 5 an imam in Queens, New York, provided tips that led to the arrest of Najibullah Zazi, who was
 6 sentenced to life in prison in 2010 for conspiring to bomb the New York subway system.¹⁹

7 For this reason, Homeland Security experts have spoken out against measures that create
 8 a loss of trust and cooperation between law enforcement and the community. For example, John
 9 Cohen, who worked for the Office of National Intelligence under President Bush and the
 10 Department of Homeland Security under President Obama said about another anti-immigration
 11 measure, “[i]t may drive a wedge between law enforcement authorities and members of the
 12 Arab-American or Muslim-American community at the very time we need cooperation and
 13 partnership. It’s certainly going to impact the relationship with federal authorities as they seek to
 14 reach out to Muslim community leaders in an effort to have them work together.”²⁰ The Order
 15 will immediately and irreparably destroy the relationships that law enforcement has built with
 16 immigrant communities, removing an important layer of protection against terrorist attacks.

17 **C. The Order Directly and Disproportionately Harms Immigrant Communities**
 18 **and Leaves Them More Vulnerable to Hate Crimes.**

19 By reducing the trust between law enforcement and immigrant and minority
 20 communities, the Order leaves a large segment of the population particularly vulnerable to

21 ¹⁷ David A. Harris, *Law Enforcement and Intelligence Gathering in Muslim and Immigrant*
 22 *Communities After 9/11*, LEGAL STUDIES RESEARCH PAPER SERIES (Jan. 22, 2009),
 23 <https://poseidon01.ssrn.com/delivery.php?ID=372020070024102112007084073072026011030078052092059006029089126011022082031080004113102061051016000116101118089117006065087103001072061051050067075102084113006079056051000025115118078009081081114081068080084121110080127101016004014007120067013017064&EXT=pdf>.

24 ¹⁸ Charles Kurzman, *Muslim-American Terrorism: Declining Further*, TRIANGLE CTR. ON
 25 TERRORISM AND HOMELAND SECURITY (Feb. 1, 2013),
 26 https://kurzman.unc.edu/files/2011/06/Kurzman_Muslim-American_Terrorism_February_1_2013.pdf.

27 ¹⁹ *Id.*

28 ²⁰ Josh Sanburn, *President Trump’s Immigration Order Could Harm the Fight Against Domestic Terror Some Experts Warn*, TIME (Jan. 31, 2017) <http://time.com/4655229/president-trump-immigration-executive-order-muslims-terrorism-police>.

1 crimes targeting immigrants. ADL has monitored and exposed the increasingly hateful anti-
 2 immigrant, anti-Latino, and anti-Muslim rhetoric that has surrounded the national debate on
 3 immigration reform.²¹ Studies have shown that hate crimes have been on the rise in recent
 4 years.²² People within immigrant populations are especially vulnerable to hate crime.²³ Indeed,
 5 one study found that “[i]n a national survey of 464 immigration service providers conducted in
 6 2012 [], advocates reported that 73% of hate crime victims they had served were targeted on the
 7 basis of immigration status/nationality.”²⁴ Documented and undocumented immigrants, as well
 8 as members of minority communities that may be perceived as immigrants, are in danger of
 9 increased rates of hate crimes.

10 People within immigrant communities also are particularly susceptible to wage theft and
 11 other employer abuses.²⁵ Day laborers in particular are easy targets for unscrupulous employers,
 12 who hire them and then disappear before paying their day’s wages.²⁶ Workers who are robbed of
 13 their wages are often afraid to report the theft because of their immigration status. As Professor

14
 15 ²¹ *Executive Order on So-Called “Sanctuary Cities” Puts All Communities at Risk, ADL*
 16 *Says*, ADL (Jan. 25, 2017) [https://www.adl.org/news/press-releases/executive-order-on-so-](https://www.adl.org/news/press-releases/executive-order-on-so-called-sanctuary-cities-puts-all-communities-at-risk-adl)
 17 [called-sanctuary-cities-puts-all-communities-at-risk-adl](https://www.adl.org/news/press-releases/executive-order-on-so-called-sanctuary-cities-puts-all-communities-at-risk-adl); Ric Anderson, *Q+A: ADL Leader says*
 18 *that as Trump surged, so did hate crimes*, LAS VEGAS SUN (Dec. 22, 2016),
 19 <https://lasvegassun.com/news/2016/dec/22/qa-adl-leader-says-that-as-trump-surged-so-did-hat>.

20 ²² *See, e.g., L.A. Cty. Comm’n on Human Relations, 2015 Hate Crime Report*,
 21 [http://www.lahumanrelations.org/hatecrime/reports/2015%20Hate%20Crime%20Report%20PD](http://www.lahumanrelations.org/hatecrime/reports/2015%20Hate%20Crime%20Report%20PDF%20(1).pdf)
 22 [F%20\(1\).pdf](http://www.lahumanrelations.org/hatecrime/reports/2015%20Hate%20Crime%20Report%20PDF%20(1).pdf) (last visited May 3, 2017) (finding that crimes targeting Latino/as jumped 69% in
 23 Los Angeles County in 2015); Michael Shively, *et al., Understanding Trends in Hate Crimes*
 24 *Against Immigrants and Hispanic-Americans: Final Report*, NAT’L INST. OF JUSTICE (Dec. 27,
 25 2013), <https://www.ncjrs.gov/pdffiles1/nij/grants/244755.pdf> (“From 2010 to 2011, there was a
 26 statistically significant increase in the prevalence of harassment or bullying targeting Hispanics
 27 because of their ethnicity.”).

28 ²³ Int’l Ass’n of Chiefs of Police, *Police Chiefs Guide to Immigration Issues* 28 (2007),
<http://www.theiacp.org/Portals/0/pdfs/Publications/PoliceChiefsGuidetoImmigration.pdf>.

²⁴ Jeanine Braud, Criselda Haro, Olga Tomchin, & Jeffrey Selbin, *U Visas for Immigrant*
Victims of Hate Crimes: A Practice Guide for Advocates (June 26, 2014), U.C. BERKELEY PUB.
 L. Research Paper No. 2459315, <https://ssrn.com/abstract=2459315>.

²⁵ Liz Robbins, *New Weapon in Day Laborers’ Fight Against Wage Theft: A Smartphone*
App, N.Y. TIMES (Mar. 1, 2016) [https://www.nytimes.com/2016/03/02/nyregion/new-weapon-in-](https://www.nytimes.com/2016/03/02/nyregion/new-weapon-in-day-laborers-fight-against-wage-theft-a-smartphone-app.html)
 day-laborers-fight-against-wage-theft-a-smartphone-app.html.

²⁶ Stephen Lee, *Policing Wage Theft in the Day Labor Market*, 4 U.C. IRVINE L. REV. 655
 (2014).

1 Stephen Lee of the University of California, Irvine School of Law stated, “[D]istrust of the
2 police effectively neutralizes the potential of wage theft statutes when enforced against
3 employers who hire unauthorized immigrant workers.”²⁷

4 In this climate, it is critically important that Richmond law enforcement officers are able
5 to effectively investigate and prosecute crime, particularly hate crimes. Absent an injunction,
6 victims and witnesses will hesitate to contact law enforcement when doing so may subject them
7 to possible detention or deportation. Combined with the current atmosphere surrounding the
8 immigration debate, this lack of community engagement will leave vast portions of the
9 population especially vulnerable to hate crimes and other criminal attacks. Offenders will
10 specifically target victims in immigrant communities without fear of prosecution. Indeed, unless
11 the Order’s enforcement is enjoined, it effectively will create an underclass of people –
12 primarily, although by no means exclusively, in the Latino community – who have no
13 meaningful access to police services. Absent an injunction, these effects of the Order are
14 immediate and irreparable – law enforcement officials around the nation have spent countless
15 hours building relationships with immigrant communities that now are being threatened or
16 destroyed.

17 The federal government and 45 states plus the District of Columbia have demonstrated
18 their commitment to protecting minority groups by enacting hate crime legislation modeled after
19 a version drafted by the ADL.²⁸ The landmark Matthew Shepard and James Byrd, Jr. Hate
20 Crimes Prevention Act of 2009 (“Hate Crimes Prevention Act”) created a new federal law that
21 criminalized willfully causing bodily injury when the crime was committed because of the actual
22 or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or
23

24 ²⁷ *Id.* at 665. Day laborers are also especially vulnerable to robberies and anti-immigration
25 vigilantes. *See, e.g.,* Jason McGahan, *Day Laborers Have Become an Easy Target for Anti-*
26 *Immigrant Vigilantes*, LA WEEKLY (Jan. 10, 2017), [http://www.laweekly.com/news/day-](http://www.laweekly.com/news/day-laborers-have-become-an-easy-target-for-anti-immigrant-vigilantes-7803494)
27 *laborers-have-become-an-easy-target-for-anti-immigrant-vigilantes-7803494*; Megan Cassidy,
28 *Phoenix Police: Armed robber targets day laborers with promise of work*, THE REPUBLIC (July
30, 2015), [http://www.azcentral.com/story/news/local/phoenix/2015/07/30/phoenix-police-](http://www.azcentral.com/story/news/local/phoenix/2015/07/30/phoenix-police-armed-robber-lobo-bandit-targets-day-laborers-promise-work/30918721)
armed-robber-lobo-bandit-targets-day-laborers-promise-work/30918721.

²⁸ *Hate Crimes*, ADL, <https://www.adl.org/what-we-do/combat-hate/hate-crimes> (last
visited May 3, 2017).

1 disability of the victim. 18 U.S.C. § 249. The purpose of the Hate Crime Prevention Act is to
2 decrease the rate of hate crimes, which “are disturbingly prevalent and pose a significant threat to
3 the full participation of all Americans in our democratic society.”²⁹ When passing the bill, the
4 House of Representatives noted that “violent hate crimes are significantly under-reported.”³⁰
5 Absent an injunction, this Congressional commitment to protecting the most vulnerable
6 communities in our society will be directly undermined, and irreparably harmed, by enforcement
7 of the Order as framed.

8 **III. CONCLUSION**

9 For the foregoing reasons, the Order will inflict irreparable harm if its enforcement is not
10 enjoined, and the public interest dictates entry of a preliminary injunction.

11
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29 ²⁹ H.R. REP. NO. 111-86, at 5 (2009).

30 ³⁰ *Id.*